IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Bail Appl..No. 1263 of 2007()

CRIME NO.371/03 OF MALAPPURAM POLICE STATION

: PETITIONER/2ND ACCUSED:

SRI.ABDUL RASHEED, S/O. MUHAMMED,
ATHIKARATHODI, POST MELMURI, MALAPPURAM DIST.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1263 OF 2007

Dated this the 2nd day of March, 2007

O R D E R

Petitioner, who is the 2nd accused in Crime No.371/2003 of Malappuram Police Station for an offence punishable under Section 304 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. One Sharafudeen was found dead inside the vacant space in a shopping complex on 29.9.2003. The cause of his death was over doze of heroin alleged to have been injected by the first accused in the case. Petitioner is the person, who is said to have supplied the narcotic drug to the first accused.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then seek regular bail from the Magistrate. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 7.3.2007 and 9.3.2007 for the purpose of interrogation. The petitioner shall, thereafter, be produced on the same day before the concerned Magistrate, who shall release the petitioner on appropriate conditions.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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